

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

2703 Martin Luther King Jr Ave SE  
Stop 7501  
Washington, DC 20593-7501  
Staff Symbol: CG-CVC  
Phone: (202) 372-1216  
E-mail: [CG-CVC-1@uscg.mil](mailto:CG-CVC-1@uscg.mil)

16711/Serial No. 1314  
Class A VHF-DSC Radio  
Carriage Requirement

**MAR 18 2016**

Jon Wilkins, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission (FCC)  
445 12<sup>th</sup> Street SW  
Washington, DC 20554  
Attn: Scot Stone, Deputy Chief, Mobility Division

Subj: CLASS A VHF-DSC RADIO CARRIAGE REQUIREMENT BLANKET WAIVER  
REQUEST FOR COAST GUARD INSPECTED PASSENGER VESSELS

Dear Mr. Wilkins:

Pursuant to 47 Code of Federal Regulations (CFR) §1.3 of the FCC's rules, and CG-652 and my staff's meeting with the Mobility Division on February 11, 2016, the U.S. Coast Guard hereby submits a blanket waiver request for passenger vessels subject to Subparts S and W of 47 CFR Part 80.

As a matter of background, on January 20, 2015, the U.S. Coast Guard declared Sea Area A1 in certain areas off the coast of the United States. As a result, one year after that date, FCC-defined passenger-carrying vessels (commonly referred to as small passenger vessels) that transport between seven (7) and twelve (12) passengers for hire are required to upgrade their VHF marine radio to one with Digital Selective Calling (DSC) capabilities to meet compliance with 47 CFR § 80.905(a)(1). The FCC's rules require Class A VHF-DSC radio equipment – intended for large, ocean-going ships to comply with the Global Distress and Safety System (GMDSS) standards – to satisfy this carriage requirement. These vessels, when operating beyond Sea Area A1, must also meet the additional vessel radio equipment requirements set forth in Part 80, Subpart S of the regulations.

In 1979, the International Convention on Maritime Search and Rescue was drafted, which called for the development of a global search and rescue plan. A resolution was passed in February of 1999 calling for the development of a GMDSS to provide the communication support needed to implement the plan. The Communications Act, in 47 United States Code (USC) § 153, defines a passenger ship as one that carries more than twelve (12) passengers and has adopted the GMDSS standard, regardless of the size of the ship, for radio equipment installation requirements in Subpart W of Part 80 to coincide with the plan's implementation date. These ships must be fitted with a Class A VHF-DSC radio in order to comply with the regulations for general ship radio equipment installation in 47 CFR § 80.1085.

In both instances, small passenger vessels and passenger ships are required to have installed Class A VHF-DSC marine radios, although Class D VHF-DSC radios were sufficient for the Coast Guard's Rescue 21 Distress System which is GMDSS-compatible. Both radios share the

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same basic capabilities to instantly send an automatically formatted distress alert to rescue authorities, and to initiate or receive distress, urgency, safety and routine radiotelephone calls to or from any similarly equipped vessel or shore station. The FCC, through its waiver process, permits the use of a Class D VHF-DSC radio in lieu of a Class A radio on certain passenger vessels and ships as recognition that the Class D is suitable for this carriage requirement. The Coast Guard concurs with the FCC's position on this issue and has likewise agreed to a regulatory change to Part 80, Subpart S of the FCC's Rules, which was presented to the FCC in a Petition for Rulemaking filed by the Radio Technical Commission or Maritime Services (RTCM) on February 26, 2016, to allow the carriage of Class D radios on small passenger vessels.

The allowance for carriage of Class D radios aboard passenger vessels and ships by the FCC in previous waiver requests is an indication that these radios represent a level of safety equivalent to that established by specific provisions of the regulations. Therefore, the Coast Guard recommends applying this Class D radio equivalent standard for VHF-DSC equipment installations to all of the following categories of Coast Guard-defined passenger vessels are described below (listed in order of increasing significance and safety requirements):

1. **Small Passenger Vessels inspected under Subchapter T "T-Boats" (46 CFR § 175):** Vessels of less than 100 gross tons that carry 150 or fewer passengers, but more than six, including at least one for hire.
2. **Small Passenger Vessels inspected under Subchapter K "K-Boats" (46 CFR § 115):** Each vessel or ferry of less than 100 gross tons that carries more than 150 passengers, or has overnight accommodations for more than 49 passengers that carries at least 1 for hire.
3. **Passenger Vessels inspected under Subchapter H "H-Boats" (46 CFR § 70):** Each vessel more than 100 gross tons that carries more than 12 passengers for hire or carries at least 1 passenger for hire and is a ferry.

These vessels are also defined in law in 46 USC 2101, and reveal dissimilarities between our agency definitions. These vessels operate in the waters described in 47 CFR § 80.901 and §80.905(a)(1) through (4), excluding international voyages. As a condition of this waiver request, this category of vessels would be required to carry a Class D VHF-DSC radio with integral GPS or one that is interconnected with an electronic position-fixing device.

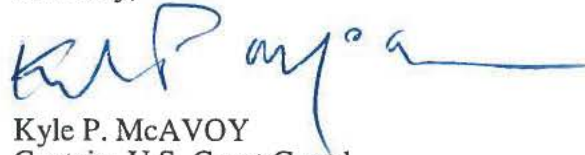
Enclosure (1) is supplementary to this blanket waiver request and the above passenger vessel definitions that more concisely describes the applicability information for Coast Guard regulations in order to help align statutory and regulatory definitions between our agencies. To that end, and at a later date, the Coast Guard would like to discuss with FCC representatives the possibility of harmonizing Coast Guard and FCC definitions in an effort to eliminate ambiguity among vessel owners and operators regarding applicability to the Part 80 regulations.

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Thank you for your attention to this matter. Should you have questions or concerns regarding this request, please contact Lieutenant Commander James T. Fogle of my staff at (202) 372-1216 or [James.T.Fogle@uscg.mil](mailto:James.T.Fogle@uscg.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. P. McAVOY', with a long horizontal flourish extending to the right.

Kyle P. McAVOY  
Captain, U.S. Coast Guard  
Chief, Office of Commercial Vessel Compliance  
By direction

Encl (1): U.S. Flag Commercial Vessel Matrix, which is an excerpt from Table 2.01-7(a) of 46 CFR Part 2

Copy: Derrick Croinex, Chief, Communications Policy Division, U.S. Coast Guard

# U.S. Flag Commercial Vessel Matrix

## Table A – Classes of Vessels Examined or Inspected and Certificated

	If -	Then -
(1)	The vessel carries at least 1 passenger <sup>1</sup> ,	The requirements shown in Table B may apply to the vessel;
(2)	The vessel carries no passengers or Table B shows that none of the requirements of Subchapters H, K, or T apply to the vessel,	The requirements shown in Table C and/or Table D may apply to the vessel;
(3)	The requirements shown in Table C does not apply to the vessel,	The requirements shown in Table D apply to the vessel.

### Footnote:

<sup>1</sup> The terms "passenger(s)" is as defined in 46 U.S.C. 2101(21) and includes a "passenger(s)-for-hire" as defined in 46 U.S.C. 2101(21a).

## Table B – Passenger Vessels

[excerpt from Table 2.01-7(a) of 46 CFR Part 2]

	If -	Then -
(1)	The vessel both carries more than 12 passengers <sup>1</sup> on an international voyage and is not a recreational vessel not engaged in trade,	The requirements of Subchapter H–Passenger Vessels <sup>3 4 5 6</sup> or Subchapter K or T–Small Passenger Vessels <sup>3 4 5</sup> apply to the vessel;
(2)	The vessel both is less than 100 gross tons and: <ul style="list-style-type: none"> <li>(i) Carries more than 6 passengers-for-hire whether chartered or not, or</li> <li>(ii) Carries more than 6 passengers when chartered with the crew provided, or</li> <li>(iii) Carries more than 6 passengers and is a ferry, or</li> <li>(iv) Carries more than 12 passengers when chartered with no crew provided, or</li> <li>(v) Carries at least 1 passenger-for-hire and is a submersible vessel,<sup>7</sup></li> </ul>	The requirements of Subchapter K or T–Small Passenger Vessels <sup>3 4 5</sup> apply to the vessel;

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(3)	<p>The vessel both is not less than 100 gross tons and:</p> <ul style="list-style-type: none"> <li>(i) Carries more than 12 passengers-for-hire whether chartered or not, or</li> <li>(ii) Carries more than 12 passengers when chartered with the crew provided, or</li> <li>(iii) Carries more than 12 passengers when chartered with no crew provided, or</li> <li>(iv) Carries at least 1 passenger and is a ferry, or</li> <li>(v) Carries at least 1 passenger or passenger-for-hire and is a sail vessel<sup>7</sup> greater than 700 gross tons, or</li> <li>(vi) Carries at least 1 passenger-for-hire and is a submersible vessel,</li> </ul>	<p>The requirements of Subchapter H—Passenger Vessels<sup>3 4 5 6</sup> apply to the vessel;</p>
(4)	<p>The vessel is:</p> <ul style="list-style-type: none"> <li>(i) A recreational vessel not engaged in trade, or</li> <li>(ii) A documented cargo or tank vessel issued a permit to carry 16 or fewer persons in addition to the crew, or</li> <li>(iii) A fishing vessel not engaged in ocean or coastwise service, which may carry persons on the legitimate business of the vessel<sup>2</sup> in addition to the crew, as restricted by the definition of passenger,</li> </ul>	<p>None of the requirements of Subchapter H—Passenger Vessels<sup>3 4 5 6</sup> or Subchapter K or T—Small Passenger Vessels<sup>3 4 5</sup> apply to the vessel.</p>

**Footnotes:**

<sup>1</sup> The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

<sup>2</sup> A vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

<sup>3</sup> Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board a vessel (including a motorboat), except when specifically exempted by law.

<sup>4</sup> A public nautical school ship, other than a vessel of the Navy or Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical school ships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

<sup>5</sup> Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

<sup>6</sup> Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter (see 46 CFR 30.01-5).

<sup>7</sup> Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.



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Table C – Barges, Cargo and Misc. Vessels

[excerpt from Table 2.01-7(a) of 46 CFR Part 2]

		A vessel inspected and certificated under--	
	Method of propulsion, qualified by size or other limitation <sup>1</sup>	Subchapter D–Tank Vessels <sup>2</sup>	Subchapter I–Cargo and Miscellaneous Vessels <sup>2,3</sup>
	Column 1	Column 2	Column 3
(1)	Motor, all vessels except seagoing motor vessels $\geq 300$ gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	Each vessel $>15$ gross tons carrying freight-for-hire, except those covered by column 2 of this table and Table B <sup>3</sup> . All vessels carrying dangerous cargoes, when required by 46 CFR part 98.
(2)	Motor, seagoing motor vessels $\geq 300$ gross tons.		All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by column 2 of this table and Table B, and vessels engaged in the fishing industry.
(3)	Non-self-propelled vessels $<100$ gross tons.		All manned barges except those covered by column 2 of this table and Table B.
(4)	Non-self-propelled vessels $\geq 100$ gross tons.		All seagoing barges except a seagoing barge that is covered by columns 2 of this table and Table B, or that is unmanned for the purposes of operating or navigating the barge, and that carries neither a hazardous material as cargo nor a flammable or combustible liquid, including oil, in bulk quantities of 250 barrels or more.
(5)	Sail <sup>4</sup> vessels		All vessels carrying dangerous cargoes, when required by 46 CFR part 98.
(6)	Steam, vessels $\leq 19.8$ meters (65 feet) in length.		All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.
(7)	Steam, vessels $>19.8$ meters (65 feet) in length.		All vessels not covered by column 2 of this table, Table B.

Key to symbols used in this table:  $\leq$  means less than or equal to;  $>$  means greater than;  $<$  means less than; and  $\geq$  means greater than or equal to.

**Footnotes:**

<sup>1</sup> Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

<sup>2</sup> Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

<sup>3</sup> Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter (see 46 CFR 30.01-5).

<sup>4</sup> Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

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**Table D – Uninspected and Oceanographic Vessels**  
[excerpt from Table 2.01-7(a) of 46 CFR Part 2]

		Vessels subject to the provisions of --		
Row No.	Method of propulsion, qualified by size or other limitation <sup>1</sup>	Subchapter C– Uninspected Vessels <sup>8,2</sup>	Subchapter U– Oceanographic Vessels <sup>1 6</sup>	Subchapter O– Certain Bulk and Dangerous Cargoes <sup>10</sup>
	Column 1	Column 2	Column 3	Column 4
(1)	Motor, all vessels except seagoing motor vessels $\geq 300$ gross tons.	All vessels not covered by Table B and Table C and column 3 of this table.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. <sup>9</sup>
(2)	Motor, seagoing motor vessels $\geq 300$ gross tons.	All vessels not covered by Table B or table C and columns 3 and 4 of this table.	All vessels engaged in oceanographic research.	
(3)	Non-self-propelled vessels $< 100$ gross tons.	All barges except those covered by Table B.	None.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. <sup>8 9</sup> If manned, see § 151.01–10(c).
(4)	Non-self-propelled vessels $\geq 100$ gross tons.	All barges except those covered by Table B and column 3 of this table.	All seagoing barges engaged in oceanographic research.	
(5)	Sail <sup>10</sup> vessels $\leq 700$ gross tons.	All vessels not covered by Tables A and Table B and column 3 of this table.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these
(6)	Sail <sup>10</sup> vessels $> 700$ gross tons.	None.	All vessels not covered by Table A and Table B and column 3 of this table	
(7)	Steam, vessels $\leq 19.8$ meters (65 feet) in length.	All vessels not covered by Table A and Table B and column 3 of this table.	None.	

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(8)	Steam, vessels >19.8 meters (65 feet) in length.	None.	All vessels engaged in oceanographic research.	parts. <sup>9</sup>
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**Footnotes:**

<sup>1</sup> Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

<sup>2</sup> Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

<sup>3</sup> Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

<sup>4</sup> The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

<sup>5</sup> Boilers and machinery are subject to examination on vessels over 40 feet in length.

<sup>6</sup> Under 46 U.S.C. 441 an oceanographic research vessel " \* \* \* being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, \* \* \*". Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

<sup>7</sup> Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

<sup>8</sup> For manned tank barges, see § 151.01–10(c) of this chapter.

<sup>9</sup> See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.

<sup>10</sup> Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.